

Dear Senator,

I am writing this to express my concerns over the current legislation your committee is hearing today. My name is Mike and I am sad to say that this hearing will have a profound effect on my life. I am not here to retry my case but it is important that you are aware of the specifics of the case that has me on the offender list.

I had started to chat on the internet to find any sort of connection with someone who would show they care in any way. And this was done only on the internet. The reasons for this action on my part are too numerous to list here. I made the mistake, no one else, of not stopping the conversation with an officer when they said they were 14. I pled to each and every count due to the AG's office unwilling to remove the "attempting to solicit for an immoral purpose" counts, the count that has me on the offender list. They were (750.145d2c & 750.145d2d, NOTE: was not 157C). Now I am sure you think very poorly of me, and I can't really blame you, if that is all I knew I would feel the same. But I would like to share with you some of the facts. During this chat I had never asked for, nor offered, anything sexual or otherwise to the officer, that is a direct quote from the officer in court. So with the absence of an offer or a request there is no solicitation. No meeting was agreed to; no meeting was asked for; again a fact in the court record. There was no, as the prosecution called it, "contraband" found on either of the searched computers, this means no previous chats, no images, no emails, NOTHING! During the chats the officer offered to meet me, but he was turned down. During the chats the officer was trying to get a request for indecent pictures, again his attempt failed. Two doctors that specialize in sexual cases, one hired by the state, said I was of "no danger", that I am a "very low risk or reoffending", that the internet was used as a way to cope with abuse from my then spouse. A personal counselor who worked with both my ex and I during this ordeal agrees with their reports. The person hired by Macomb County who did the physiological exam of me, my daughter and my ex, also agreed with the previous doctors reports, adding in reference to me he "does not present as slick or sociopathic". I was such a non danger in her eyes that I was awarded a parenting time schedule greater than the normal standards. Currently, as she did from the first day she found out we were getting a divorce; my daughter wants me to have full custody. We are working toward a compromise for 50/50 now, as I have no money to fight for full custody in court. Next year my daughter will have much more say on whom she wishes to live with, and it will be addressed then.

Today you will hear concerns from many of us on different aspects of this proposed bill. Many of them that I will not be addressing today I do agree with. I will be addressing two specific statutes and where they are placed within the tier system, the lack of an offender's opportunity to petition to be removed from the Registry and the misconception that being listed is not a punishment.

1: In tier 1 you have 750.335a(2)(b) listed "Indecent exposure (w/fondling of self)". In tier 2 you have statute 750.145d(1)A listed. My concern regarding this is that also under 750.145d are offences in essence the same as 750.335a(2)(b) but using a computer to as opposed to in person. I fear is without your specific guidance in the matter, that the grey area that your "catch all" in (ix) & (x) creates, will allow people to be in a higher tier that they should be. And that it could solely rest upon how far someone wants to push the envelope for what every reason they have. To have something that is this

important be influenced by one person who may or may not want to "interpret" what your intent was is not a good. You have the opportunity now to make this bill to be clear and concise. Reading it I am not sure where I would fall, and I have done a lot of reading and research on our laws and those of other states. Can you read your own legislation and tell me if the 2 offences I have listed would be under tier 1 or 2?

2: As described above there is grey area that needs to be addressed and I understand it will never be perfect. One remedy for this would be to look at each case to see what the actual underlying offence is, and its severity. This cannot be accomplished with legislation alone. Give the judiciary, an equal and important component to our government, the ability to aid your legislation. I ask that you apply to tier 2 the same petition for removal that has been applied to tier 1. Again, there are people who have been grouped together on this list that do not belong grouped together. I am not going to reiterate the recidivism rates, numbers that are lower than many other categories of offences as you will hear them multiple times today. Allowing the petition will help separate people who potentially pose a danger to the community from those who do not. I believe this request fits exactly into the stated reason by this same legislator for the implementation of SROA in the first place. The purpose of the Sex Offender's Registry Act, as declared by the legislature in MCL 28.721a, is pursuant to the police power. The stated intent is to better assist law enforcement officers and Michigan's citizens in preventing and protecting against the commission of future criminal sexual acts by convicted sex offenders:

"The legislature declares that the sex offenders registration act was enacted pursuant to the legislature's exercise of the police power of the state with the intent to better assist law enforcement officers and the people of this state in preventing and protecting against the commission of future criminal sexual acts by convicted sex offenders. The legislature has determined that a person who has been convicted of committing an offense covered by this act poses a potential serious menace and danger to the health, safety, morals and welfare of the people, and particularly the children, of this state. The registration requirements of this act are intended to provide law enforcement and the people of this state with an appropriate, comprehensive, and effective means to monitor those persons who pose such a potential danger. MCL 28.721a."

By allowing people who can be determined to not pose a danger to be removed makes the Sex Offender Registry more effective. And it fits your own body's reason for SORA. To NOT let them petition to be removed, to group them with people that do pose a danger is the exact opposite to your own stated intent for SORA.

3: I will briefly touch on the misconception that being on the registry with its restrictions it not a punishment. When innocent forgetfulness can lead to a prison sentence that is a punishment. This legislative body is unaware of the numerous local city ordinances that apply to someone on the offender list, they are a punishment. When one who does not pose a danger to anyone is grouped together with people who do pose a danger and is looked at with the same disdain that is a punishment. When that same person who does not pose a danger must abide by the same restrictions as someone who does pose a danger that is a punishment. These restrictions will affect me greatly very soon as I will have full custody of my daughter. My daughter being a type 1 diabetic needs special care and attention. Being

able to give that care when needed, even at her school, is a right I deserve. It is a right she deserves, as there is nobody who can care for her like I can. Nobody has the right to make a decision regarding her care without me.

Thank you

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